

## **REMARKS**

Claims 1, 4-11, 17, 20-21 and 23-27 are now pending in the application. Claims 2-3, 12-16, 18-19 and 22 are cancelled herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **CLAIM OBJECTIONS**

Claim 19 is objected to since line 2 states "17;" where "17," is allegedly more consistent. This objection is respectfully traversed. Notwithstanding, Claim 19 is cancelled herein. Accordingly, this objection is moot.

## **REJECTION UNDER 35 U.S.C. § 101**

Claims 17 and 19-20 stand rejected under 35 U.S.C. § 101, because the claimed invention is allegedly directed to non-statutory subject matter. This rejection is respectfully traversed. Notwithstanding, Claims 17 and 20 are amended to recite a "computer-readable media for storing a failure prediction program". Accordingly, reconsideration and withdrawal of the rejection of claims 17 and 20 are respectfully requested.

Claim 19 is cancelled. Accordingly, this rejection is moot.

Claims 21 and 24-27 stand rejected under 35 U.S.C. § 101, because the claimed invention is allegedly directed to non-statutory subject matter. This rejection is respectfully traversed. Notwithstanding, Claim 21 is amended to recite subject matter that is similar to the subject matter found in previously pending claim 3 (which was

deemed allowable). Claims 24-27 depend from claim 21 and therefore also include the new subject matter of claim 21. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 3 and 19 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed. Notwithstanding, claims 3 and 19 are cancelled. Accordingly, this rejection is moot.

Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. Notwithstanding, claim 3 is cancelled. Accordingly, this rejection is moot.

Claims 1, 3, 4, and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. Notwithstanding, claim 1 is amended to recite the subject matter of claim 3. In this regard, the limitation "detecting the state of each part of the device" previously found in claim 3 is changed to "detecting the state of parts of the device" in claim 1. Applicant thanks the Examiner for this suggestion. Claims 1 and 17 are also amended to change "the diagnosis" to "the failure diagnosis" respectively. This should eliminate any alleged ambiguity. Claim 4 is not amended since proper antecedent basis for "the second diagnosis program" now exists in amended claim 1.

In view of the foregoing, reconsideration and withdrawal of these rejections are respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 5, 6, 8, 10, 12-14, 17, 19, 21, 23, 24, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Quist et al. (U.S. Pat. No. 6,199,018). This rejection is respectfully traversed. Notwithstanding and solely in the interest of expediting prosecution, claim 1 is amended to recite the allowable subject matter of claim 3. Claims 5, 6, 8, and 10 inherit this subject matter due to their dependent status from claim 1. Accordingly, the rejection of claims 1, 5, 6, 8 and 10 should be moot.

Claim 17 is also amended to recite the allowable subject matter of claim 3. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 12-14 and 19 are cancelled.

Claim 21 is amended to recite subject matter similar to that found in allowable claim 3. Claims 23, 24 and 26 inherit this subject matter due to their dependent status from claim 21. Accordingly, reconsideration and withdrawal of the rejection of claims 21, 23, 24, and 26 are respectfully requested.

Claims 1, 7, 9, 11, 12, 15, 16, 17, 21, 22, 25, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bernklau-Halvor (U.S. Pat. No. 6,782,495). This rejection is respectfully traversed. As stated above, claims 1, 17 and 21 are amended to recite the allowable subject matter of claim 3. The remaining claims depend from claims 1 and 21 respectively. Accordingly, claims 1, 7, 9, 11, 12, 15, 16, 17, 21, 22, 25, and 27 should all be in condition for allowance.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Quist et al. (U.S. Pat. No. 6,199,018) in view of Campbell et al. (U.S. Pat. No. 5,768,495). This rejection is respectfully traversed. Notwithstanding, claims 2 and 18 are cancelled. Accordingly, this rejection is moot.

Claims 4 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Quist et al. (U.S. Pat. No. 6,199,018) in view of Smith (U.S. Pat. Pub. No. 2004/0225911). This rejection is respectfully traversed. Claims 4 and 20 depend from claims 1 and 17 and therefore inherit the allowable subject matter now recited therein. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

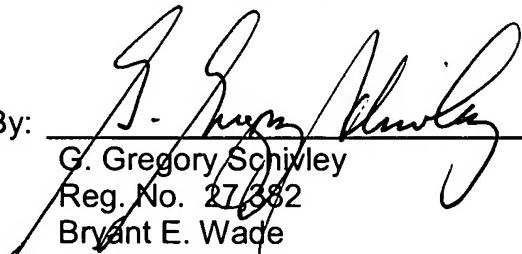
The Examiner states that claim 3 would be allowable if rewritten in independent form. Accordingly, Applicant amends claim 1 to include the limitations of allowable claim 3. Therefore, claim 1 and all claims depending therefrom should now be in condition for allowance.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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